

MINUTES

SALINA CITY PLANNING COMMISSION
CITY COMMISSION ROOM
Tuesday, June 6, 2006 4:00 PM

MEMBERS

PRESENT: Bonilla-Baker, Funk, Mikesell, Ritter, Schneider, Simpson, Soderberg, Weisel and Yarnevich

MEMBERS

ABSENT:

STAFF

PRESENT: Andrew, Burger, Herrs and Jeanfreau

- Item #1. Approval of the minutes of the regular meeting held on May 16, 2006. The minutes of the May 16, 2006 meeting were approved as presented.
- Item #2. Application #CU06-3, filed by Kevin Rome, requesting approval of a Conditional Use Permit to allow the addition of an outdoor patio to a drinking establishment located in the C-4 (Central Business) District. The subject property is the Paramount Bar located at 219 North Santa Fe Avenue.

Mr. Andrew gave the staff report which is contained in the case file.

Mrs. Yarnevich asked you don't care where the gate is now if it's just an emergency one, is that what you're saying?

Mr. Andrew stated yes, I still think that because of the situation you have in the downtown area with the zero lot lines and shared property lines, if you could go back to the aerial photo John, it does make a difference. Essentially this is a public access way for pedestrians or vehicles. Obviously the sidewalk along Santa Fe is public and anybody has the right to traverse that. If the patio's located here and a gate was here, you're still going across this property to get there. I still think that it would stand that even if it was an emergency exit, an emergency access, that you would still want the permission of the owner to the south to allow that to be there. It's really no different than having a common wall and cutting a door between the two, you would want both parties to jointly agree to that, and speaking with Mr. Wasko who has the Mid-Kansas Title business there, he didn't seem to be too concerned or have any objections about that. So I think that could be forthcoming if that was the case. I think the real issue is whether that is a true entrance and exit for the drinking establishment or whether it's just there for an emergency.

Mr. Simpson asked do you have any other questions?

Mr. Weisel stated well I have one question about the speakers. In your staff recommendation here you say no outdoor speakers should be allowed in the patio area. At the same time we have the Cozy Inn, I think they have a big speaker blasting away on the street there and I think Capers has something going too, so why the restriction for a bar? It would seem to make sense that we would allow them to have that.

Mr. Andrew stated I'm not sure that anybody is aware that's the case with either of those other two establishments.

Mr. Simpson stated I can guarantee with the Cozy they have a speaker on the outside of that building.

Mr. Andrew asked you're referring to their drive-up operation?

Mr. Simpson stated well it is a drive-up operation with music playing.

Dean stated well I'm not sure that anybody is aware of that.

Mr. Simpson stated Capers also has music in the rear area.

Mrs. Yarnevich stated there's a little difference in the hours that they would be blaring.

Mr. Simpson stated that is true.

Mr. Weisel asked but don't we have restrictions on decibels for things like this?

Mr. Andrew stated we do actually have a conditional use permit process for having outdoor amplified sound like that, yes.

Mr. Weisel stated I guess my puzzlement is that it's a bar and it looks like it's in an alley that's well away from everything. That we would restrict them from having speakers back there doesn't seem to make sense.

Mr. Andrew stated well that is just a staff recommendation, or suggestion, it's not something that you are bound to agree with.

Mr. Weisel stated okay.

Mr. Simpson asked are there questions or comments at this point?

Mr. Schneider asked where is the dumpster going to be located?

Mr. Andrew stated I think that's a good question for the applicant if they're still going to have access to one. Right now, because they have private space that they own behind their building, they have a place to have their own dumpster, but if you occupy all your space, what we have in a lot of situations is that for the buildings that occupy from the alley to the sidewalk, there are trash corrals in the public parking lots and the business establishments use dumpsters that are located within those public spaces. So that would certainly be a question that today they have a place on their own property to have the dumpster, if every space is occupied on the private property, where would they locate it or would they still have one? I think that's a question to address to the applicant.

Mr. Funk asked on that previous drawing, where are the property lines on there?

Mr. Andrew stated the orientation here is this is west, here's the alley. The property line is normally right there. The shared property line comes right down here.

Mr. Funk asked what do those two squares with X's in them depict?

Mr. Andrew stated those could be dumpster locations.

Mr. Funk asked over on Santa Fe wouldn't it?

Mr. Andrew stated well no this is the back of the building, so this notch is in the rear of the building, this is where the new extension would be. I think we should clarify that with the applicant, but that is one interpretation, if those are intended to be the spots for the dumpster.

Mr. Weisel asked one more question. Could you go back to the photograph again? Was there an overhang there at one time? It looks like there was an overhang. Was there something else there at one time before they concreted in?

Mr. Andrew stated it's possible there might have been some sort of awning or overhead protected area there. That is on the adjoining property to the north, so it would have been attached to that building.

Mr. Weisel asked so it might indicate that there was already one there at one time?

Mr. Andrew stated it could indicate that there was some sort of roof or cover structure there previously.

Mr. Funk asked is there a code that covers the number of occupants that can be in a space like this since it's outdoors?

Mr. Andrew stated well generally what the Fire Department will do is look at the seating and use that to determine that. Otherwise they would use a ratio of 15 square feet per person. Where they have a seating plan or where they are doing the final inspection of an establishment before it opens, they're going to base it on the seating plan assuming that some of the areas left are for aisles for people to go back and forth, but absent a fixed seating plan, they are going to use 15 square feet per person.

Mr. Simpson asked okay would the applicant or representative care to address the Commission?

Warren Ediger, 116 S. Santa Fe, stated I prepared the drawings that you've been looking at. I would be willing to answer any questions that you have about them.

Mr. Simpson asked what about the dumpster?

Mr. Ediger stated my understanding is that the operator of the Paramount is in agreement with the people across the alley to place the dumpster there. You can see a dumpster currently there by the power pole, I think it would be beyond that but it's on the other side of the alley.

Mr. Simpson asked so this drawing doesn't relate to any dumpster space.

Mr. Ediger stated the drawing doesn't address the dumpster location, no.

Mr. Simpson asked what are those in that space on the drawing?

Mr. Ediger stated those are compressors for an air conditioning system for the two buildings, for Mid- Kansas Title and for the bar. That's part of why there's a fence enclosure around them to protect them. I might address the seating question a little bit. If the owner, in this case of the bar, presents a seating diagram to the Fire Department, that may become the posted

occupant load. In absence of a permanent seating plan that they want to hold to, it becomes the 15 square feet per person which is what we've noted on the drawing is the capacity. That allows you to move tables and chairs around a little bit and adjust it. But the building code has a couple of different ways of figuring the occupant load, the maximum number of people that are in there, and it's either on the square footage basis or on a use diagram that says how you're going to use the space. The building code takes the higher of the two for exit purposes. The Fire Department may restrict it for other reasons, but from a building code standpoint, it's as we've shown there with the 39 occupants.

Mr. Funk asked and that applies to patio areas?

Mr. Ediger stated correct.

Mrs. Soderberg asked if it were an emergency accessible kind of gate instead of just a regular entrance, I assume that gate has to be usable while the establishment is open for people to come in and go out?

Mr. Ediger stated the gate that's shown there and is labeled as an X, it has to function as an exit both for the bar and for the seating area. The building code requires that an exit provide a means of egress, a way to get out. You can restrict the entry points, which they would to the front door and for control purposes I think they have to, but this could have one of those push-release devices on it so that it doesn't open from the outside, but in an emergency you do have a way to get out, it's not locked.

Mrs. Soderberg asked so Dean when you were talking about JC's and they were able to get into it, that was if somebody opened it from the inside?

Mr. Andrew stated somebody would open it from the inside if you had an ambulance or something that needed to get right to the patio. It could be opened from the inside and accessed through the gate.

Mrs. Soderberg asked so does some kind of alarm go off like in other public buildings if a gate is opened during business hours?

Mr. Ediger stated typically an owner wants to put an alarm on there so that they can monitor if anyone's coming in unauthorized.

Mr. Schneider asked are you aware of any lofts or anything in that neighborhood on that block?

Mr. Ediger stated I'm not aware of any in that immediate area and I don't know if there's any under consideration, but there could be some, I really don't know of any currently occupied there.

Mr. Funk asked is there anything occupying the second floor of that building, the Paramount?

Mr. Ediger stated no.

Mr. Simpson asked any other questions of Mr. Ediger? Okay thank you. Are there members of the public who wish to address this application? Please state your name and address.

Larry Dunlap, 771 Victoria Heights, stated I'm a trustee of the trust that owns the building directly to the north and I wanted to comment on the idea. I'm in

favor of the idea. I think that anything that helps Kevin operate a profitable business and certainly one that continues to see the building occupied, and I'm in favor of trying to work out a system whereby he will be able to do what's necessary to operate a viable business. The other side of it is that with privilege goes responsibility and I think that there is some issues there that he needs to be responsible for, one of which is the dumpster and that area is not wide enough to put a dumpster in there in between the two emergency doors, what looks like a planter area. The idea of having one over in the city parking lot if that would be allowed, that would certainly get that dumpster a little farther away and make it more accessible to the service trucks, I think that part would be just fine. The exit only idea where they want to put it is okay also. The speakers, there's a second floor on the building that we have and it's been rented out a long time in the past and it's not been occupied, it's just used for records and might keep the bats awake down there, but other than that there is not that much activity up there. I think Ray addressed the issues pretty well. The people that rent that building from us right now have complained about having to go out every morning and clean up the street, and they also leave cups and bottles and glasses in our window wells and entryways, and that happens in front and back. That's kind of been an ongoing thing and we have talked to Kevin in the past about that, and he's done a real good job of trying to keep that under control. We realize that all the things that happen out there aren't caused by him. A lot of the cans and bottles are actually brought there by the clients themselves from other locations, but somebody has to be responsible for seeing that it gets cleaned up and I think there should be a scheduled clean up made by somebody say at 6 in the morning, I mean a hired position. I think for awhile that was happening and it seems that Kevin might want to comment on that, but I think it's gone away at this time because the guys at the store are having to clean it up. There's just the general problems that go along with having a lot of bars in the area and they're the same in the 200 block as they are in the 100 block north. A lot of gross things happen down there between midnight and 4 in the morning and I don't know how to make that better. I would like to see more control on what's leaving the bar and I know that the patrons are sneaking drinks out by sliding them up their sleeves and covering them with their coats and so forth, but the other side of it is that I don't think a lot of attention is being paid to that issue when the patrons are leaving the bar. Several years back I know there was a law that said we couldn't take an empty bottle out of the bar and into the public street, but there seems to be an awful lot of that occurring. Part of the opposing argument to that is that some of those people are driving up there and drinking their beer before they even go in the bar, and then since they can't drive home with an open bottle, they set it out in the street and drive off and let somebody else run into it. Anyway, I am for Kevin, I just think that he needs to be a good neighbor and needs to do what's good for the community. So thank you.

Mr. Simpson asked any questions for Mr. Dunlap? Alright thank you. Anyone else? If not, we will bring it back to the Commission for discussion and action.

Mr. Andrew stated I did have one thing that I wanted to bring up and maybe either with Warren or with Kevin. It was my experience that the flip-side of making the gate into the patio an emergency exit only or having some sort of alarm on that is, we had the experiment we tried with the Sixth Street Pub where we were concerned about sharing parking with the teen center to the west, and so there was a restriction placed on the use of that west entrance during late hours. While that generally worked, the one thing that we would want to accommodate is, even if that gate were to become an emergency exit only, that's probably the entrance and exit for taking any kind of trash or

anything out of the facility back to the dumpster. So if we have the expectation that it's going to be an emergency exit only and would have an alarm or something and was not intended for continual use, we still need to understand that we would have to accommodate trash being hauled out through there to get to the dumpster. So an allowance would need to be made for that based on the plan that we see in front of us.

Mr. Simpson asked any further questions of staff?

Mrs. Yarnevich asked I have one question. How do you intend to handle the clean up? You said that you had hired somebody before but that it hasn't happened.

Mr. Rome stated I've never hired anybody for it, I've always done it myself, but we're not the only ones that have a lot of trash down there. I see a lot of everything from fast food joints food down there and cups and whatnot. You know, we're not the only bad neighbors downtown is what I'm saying.

Mrs. Soderberg stated Mr. Chairman I think that an entertainment district downtown is a good idea and I like the concept. I love the idea of an outdoor patio area. I like the idea of lofts downtown where people can live, but I can't vote affirmatively on any new proposal before us like this until I think we address the problems that are occurring now, and will be even greater as we increase the patronage down there. The Police Department complains about not having people to be effective downtown, the trash, the public urination, the people passing out. Somebody is going to have to pay for the solution and I think that we need to address that before we continue to exacerbate the situation, because in the long run everybody loses when it continues to not be positive. So whether it's this one or the one that's coming up on June 20, I don't see the point in continuing to approve them when we have the problems over and over again that don't get addressed.

Mr. Simpson stated good point. I think it's a timely issue, Dean, if you wish to address the report that you handed out.

Mr. Andrew stated I think that what we have, and I don't know if John has that to project on the screen at all, is the calls for service and number of arrests. You have in front of you the information about calls for service, but these are to the downtown area, to the various establishments. One of the things the chief of police is concerned about and added later is that he had observed a shifting of some of the extracurricular activity from the establishments themselves to the various parking lots or public parking lots in the downtown area. So they started trying to keep track of responses to the parking areas. It's difficult when you do that to attribute them to a particular establishment, but I think it's safe to say based on their reports to us that the time frame between 12:30 in the morning and roughly 3 o'clock in the morning, that is their peak activity for responding to calls for service. Their thought is that if in 2005 there was an increase over 2004, and the information we have for 2006 is just quarterly, so those would have to be projected out, but again, taking just the first three months, those would project upward also. I can tell you some initiatives that are ongoing that aren't in place yet. We're doing a comprehensive review of our ordinances relating to consumption of alcohol in public places, and looking particularly at the public plazas, public parking lots, public streets, getting very clear regulations in place about that and differentiating those. In particular, we're looking at Fire Department issues and enforcement in terms of what can be done, what is currently being done to look at occupancy and over occupancy of particular establishments downtown. One initiative that is a very good

idea that we weren't addressing is we have this Commission look at these requests and you adopt conditions of approval. For instance, not using the balcony of Big Nose Kate's after a certain hour. But you have turnover in employees and management and one thing pointed out to us is, well if you're going to have rules like that why don't you require the establishments to post the rules at the establishment? I think that's very well taken. There was a recommendation from the Planning Commission that no glassware of any kind be allowed out on the balcony of Big Nose Kate's, but that was not followed up with in terms of posting that as a rule at the establishment so that patrons and employees know that's the case. Certainly the downtown group needs to work on getting the bar operators to sign off on the good neighbor policy as it relates to cleanup, having adequate dumpster space, not using your neighbor's dumpster, things of that nature, but that's kind of a downtown self-policing item. Then one thing that we're working at or moving towards is a series of bar training seminars where we would have representatives from Police, Fire, Planning, and others, to invite owners and managers of bars and to educate them about occupancy issues, about alcohol consumption in public places, give them ideas about how they can police their own establishment better. So what was done in 2001 was there was actually a moratorium that was adopted on any new drinking establishments while rules and regulations were looked at. We are not at that point right now, but there are some initiatives that are under way to look at addressing those, not just the downtown area, but community wide. I think that's definitely the case. Chief Hill is not here but he's made his views pretty well known about what he thinks is the strain on police resources at that particular hour, particularly on Friday and Saturday nights. I don't think you can necessarily tie that to one establishment or the activities of one establishment, it's a cumulative effect of all those taken together. That's kind of an idea of where we are on some of the initiatives that we're looking at and working with the downtown area on. There's no thought about moratoriums or timeouts while something is being addressed however.

Mrs. Soderberg stated well I think those initiatives are laudable, but it still doesn't get to the heart of the problem of enforcement and any entertainment district you go to, whether it's Lawrence or Kansas City or St. Louis, has walking patrols for instance, and I think that is probably going to have to be addressed, somebody is going to have to pay for it whether it's people in the entertainment district, whether it's the patrons of those districts or establishments, or the owners or citizens at large. If it takes more feet on the sidewalk then that's what it takes and we have to figure that out. If it takes a cleanup crew every Saturday and Sunday mornings in order to make it attractive down there once again, then that's what it takes and we've got to figure out how to do that. Until that, I hear too many business people that go to their businesses in the mornings and find vomit and all kinds of things on their property, and people trying to sleep and live above in lofts that we want to have happen down there to make downtown more vital. We just have to come at it from a number of different directions, and I don't think we are yet. I'm off my soapbox.

Mr. Andrew stated that's why the Planning Commission is serving as the reviewer or gatekeeper of these particular applications.

Mr. Schneider stated I actually see a little benefit for this patio. I think it does control it better to have just one entrance or exit from the bar, from you know what is currently happening. I think that actually adds a plus to the area. The other good thing about this area to me over the others is, we don't have anybody living over there and I think all the businesses are actually closed at that time of night. If we want to limit it, it's an existing business, it's the least

harmful probably of choices that we're going to have come up here.

Mrs. Soderberg stated I agree.

Mr. Weisel stated I have to weigh in on this. I would have to agree, I think this is a good addition to the area. Unless we get too far afield, we're not here to cure all the ills of the bars and everything downtown right now, or that this one applicant has to really, with five tables. He's trying to make the business as best he can. I think it's a good addition to it and there may have already been something there at some time in the past anyway if that bar has been there for 60 years. I would say that this would be a good candidate for approval subject to the staff recommendations minus the staff recommendation #1, which I think we can have outdoor speakers there without any real major problem. We do already have laws in the books that guide that.

Mr. Simpson asked was that a motion?

MOTION: Mr. Weisel stated I would like to make a motion then to approve Application #CU06-3 with the staff recommendation #2 that the plan should be modified to provide egress from the public alley to the west, or written permission shall be obtained from the budding owner to the south to access the patio area from their property.

Mr. Andrew asked is that with the emergency use only?

Mr. Weisel stated emergency use only.

SECOND: Mr. Schneider

Mr. Simpson stated it's been seconded. Any other questions or comments? If we're ready to vote those in favor of the motion indicate by saying aye. Opposed?

Mr. Andrew stated let's have a show of hands please. Those in favor raise your right hand. All opposed same sign. It appears the application is approved.

VOTE: Motion carried 7-2. (Soderberg and Funk)

Item #3. Application #CU06-4, filed by Terri Anne Howard, requesting approval of a Conditional Use Permit to allow a drinking establishment in the C-4 (Central Business) District. The proposed location is the 3rd floor of the Bondi Building which is legally described as the South half of Lot 98 and all of Lot 100 on Santa Fe in the Original Town of Salina and addressed as 121 North Santa Fe Avenue.

Mr. Simpson stated we're not taking any action on this application today, however it was published as a public hearing and if there's anyone here from the public who wishes to make a statement or presentation on this application you're welcome to do so at this time. Seeing no one, this item will be postponed until our June 20 meeting.

Item #4. Application #Z06-3, filed by the Salina City Planning Commission, requesting an amendment of Article IX. Heritage Conservation District, Section 42-464 (f) (2)c. and 42-468 by amending the criteria to be considered when reviewing the proposed demolition of an individual

landmark or contributing structure within an historic district and creating an affirmative duty to maintain historic properties.

Mr. Andrew presented the staff report and showed photographs of property in need of repair.

Mr. Andrew stated again there was quite a bit of written material in our report. Our main focus for today was on the demolition question, but we do have some follow-up work that we've been requested to do looking at a minimum maintenance ordinance, and we wanted to get some feedback from the Commission about whether to focus on historic districts or whether you think there's some merit to having a minimum maintenance code for all neighborhoods.

Mrs. Yarnevich stated I think it would be lovely if the entire town of Salina was well maintained. I don't know that everybody can afford to do the things for their home that we would like them to do. How would you enforce if you say, "well that house needs painting," and it's going to cost, I don't know what, \$8,000? People don't have \$8,000 to paint their house. How are we going to enforce that?

Mr. Andrew stated that's the type of thing that we would try to address if we came back with a community wide property maintenance code. Those are the type of specific things that we would have to address because many of these, particularly the situation on South Santa Fe, we even looked at that through the City's emergency repair program. The people there are income eligible. Unfortunately the scope of what needs to be done to that property exceeds what we and our program can spend on an individual property. So on those we tend to just walk away, but you're correct, and that's particularly true of historic districts. If you have a higher level of maintenance, which is more or less a stick, you need to be able to have a carrot, whether it's some sort of loan fund or pool of funds, or assistance that is available to help people do the maintenance work or make improvements to the home. That's something we've continually looked at and struggled with, to see what other communities are doing. Cities that are over 50,000 in population have Community Development Block Grant funds and they will often use those for that purpose. We're not in that position right now, but that's what the City of Wichita does. They have a pool of money that's available for assisting with those types of repairs. You are correct, many of these are not by choice, some of them are by necessity, they simply don't have the means to do that kind of repair or maintenance.

Mr. Simpson stated from a historic district perspective, I wonder if people are aware coming in and buying properties in a district, the requirements and what it takes to maintain the property in an acceptable manner over a long period of time. How would you enforce that?

Mr. Andrew stated well it becomes a public education thing that we have worked very hard at over the years of making the real estate community aware, of making buyers aware of what property is in a historic district, but the other half of that is not even just for historic homes or historic districts, that is understanding an older home and everything that it might entail in the way of additional maintenance or ongoing maintenance, especially if it's a multi-story home with wood siding and things of that nature, just the amount of paint it takes to cover a structure of that size.

Mr. Simpson stated oh yeah, exactly.

Mrs. Soderberg stated the other issue with situations like this, if you don't have a minimum maintenance ordinance for the whole city, is that if you're a neighbor to this your property value is certainly affected and that's an issue of fairness as well.

Mr. Andrew stated that's certainly what you hear. We hear of some cases in a historic district setting, we also hear it in other neighborhoods, "I have purchased my property, I've put this much into it, I've maintained mine and the neighbors have maintained theirs, this is what we see as our neighborhood standard and we have one holdout over here that is not showing any interest in meeting that." Like I said we have both, we have those who simply don't do maintenance and we have those who can't afford to do maintenance.

Mrs. Soderberg asked on the Attachment A that's before us for consideration, it's unclear to me what is the new part here? Is it this several pages or is it c only?

Mr. Andrew stated I don't think we maybe formatted this as well as we could have. On what is referred to as Attachment B which is at the very end of the report, that is the current ordinance language that relates to properties that are an individual landmark or in a historic district so that if somebody had a request or proposal to take a house on South 8th Street in the historic district and demolish that, that is the criteria that it would be evaluated on today. What we're recommending is just striking that from the ordinance and what you see in Attachment A, in addition to our historic districts, there's 285 individual properties around the city that are protected from demolition just outright. So if you had somebody saying that they wanted to take the old Hawthorne School and tear it down, that would have to be reviewed by the Heritage Commission first before that demolition could occur, and the criteria that would be used to evaluate that proposal is what you see in Attachment A there. What we ended up having was two different sets of criteria depending on whether you were in a historic district or just an individual significant property. So we thought that the language there that applies to the individual properties was better, was easier for everybody to understand and to work your way through as you're reviewing a request for demolition than what is currently in place, which is shown there in Attachment B. So we were recommending just getting rid of that language. If somebody asked and said, "demolition shall ordinarily not be permitted," what does that tell anybody either as a staff person trying to review an application and prepare a report, or if I'm sitting on the Commission I'm saying, what does that mean? I think we as a staff have a hard time explaining to you what that means. I think we would have an easier time saying that in a proposal, hypothetically, to demolish Hawthorne School, these are the things you need to take into account in reviewing that proposal.

Mrs. Soderberg asked will there be additional language at some point about what happens if the property owner chooses simply not to do this? Is there any enforcement to this?

Mr. Andrew asked chooses not to do what?

Mrs. Soderberg stated well like under #7, the property has not suffered from willful neglect as evidenced by the following, so they fail to diligently solicit and retain tenants, they fail to perform normal maintenance and repairs, they commit negligent acts. So what if they fail all those things, what happens?

Mr. Andrew stated well that would certainly be grounds for denying the

request to demolish.

Mrs. Soderberg asked so you can't do anything but not allow them to demolish?

Mr. Andrew stated and then the question comes if they're not allowed to demolish, do they have any kind of affirmative duty once they've been told by a Commission that we don't think demolition is the right answer? Then the question is what duty do they have having been told that to maintain the property? That's the second part of the equation.

Mrs. Soderberg asked that we don't have yet, but we will have?

Mr. Andrew stated well that's what we're discussing is what that would be. That's why we use the term demolition by neglect, it is essentially rewarding somebody for letting their property deteriorate. So there are different ways to get there but we're not trying to answer all that today or get answers to all that today. We think the first step is to strike the language that we have now and substitute this, and it makes it clear that's something that's appropriate for a reviewing body to take into account, "you willfully neglected this property, so were not going to reward you by saying it should be demolished, why don't you make an effort to get it into somebody's hands who wants to do something with the building." So that's really what it's designed to carry out.

Mr. Funk asked if the city has another code, I guess I'd call it livability standards, in other words, if a house deteriorates to the point where it's really not livable, it can be what do you call it, placarded or something?

Mr. Andrew stated we have put placards on homes which basically says no habitation is allowed, or we will work with the utility companies to make sure that there is no power hooked up to that dwelling until it is made livable. It would have to be really, really bad before it gets to that condition. I would just refer you back to Page 8 there. One of your choices today would be to look at this and say we think the way it's structured now with the two different demolition criteria is fine, if you don't see any need to make any changes or amendments at this time. The other would be option 2 which is what we were recommending, that we strike the current language about ordinarily not allowed and replace it with the language you see there in Attachment A. Then the options 3, 4, and 5 are there just if the Commission has any opinion or guidance they would like to give about us doing any further work or bringing back any additional information about those. Obviously option 5 would be to say you don't think there ought to be any affirmative duty to maintain historic properties.

MOTION: Mrs. Soderberg stated Mr. Chairman I move that the substitution that is contained in Attachment A be placed in our, I don't know what is that?

Mr. Andrew stated our Heritage Conservation Ordinance.

Mrs. Soderberg stated yes, be substituted in our Heritage Conservation Ordinance and direct the staff to continue looking into Items 3 and 4 for future consideration by the Planning Commission.

Mr. Simpson asked is there a second to the motion?

SECOND: Mr. Schneider.

Mr. Simpson stated it's been moved and seconded, any further questions or comments?

Mr. Funk asked has the Heritage Commission looked at this already or are they the next step?

Mr. Andrew stated no they have looked at this both in January and April. We've gone over this with them. Because the Heritage Conservation Ordinance is within the Zoning Ordinance, the only way that it can be amended is upon recommendation of the Planning Commission. So we usually discuss it with them and try to get their direction, but the recommendation for any change would have to come from the Planning Commission which is why we brought it to you. But that is identical to their recommendation.

Mr. Funk asked and then it goes to the City Commission?

Mr. Andrew stated yes the City Commission, and they will decide if they want to make those amendments.

VOTE: Motion carried 8-1. (Weisel)

Item #5. Application #Z06-4, filed by the Salina City Planning Commission, requesting an amendment of Article X. Signs, Section 42-503 (h) dealing with the number of signs permitted on corner and through lots.

Mr. Andrew gave the staff report which is contained in the case file.

Mr. Andrew stated well I confess some embarrassment here, although I'm not sure it's necessarily been a bad thing as far as the result.

Mrs. Yarnevich asked an angular sign like that or sort of almost rectangular, would that be two signs?

Mr. Andrew stated if it's triangular it's two-sided, if it's back to back we only count one side.

Mrs. Yarnevich stated okay well in order to have one physical sign that hits both streets you'd have to have a triangular sign face wouldn't you?

Mr. Andrew stated well the other aspect to that is you're limited, all these signs that you see here, you're limited to 32 square feet. So if you put out a triangular sign, that's actually 64 square feet of sign area. If it's a back to back sign we only measure the one side, so this is a 32 square foot sign. If you turned it into an L shape or triangle then it becomes a 64 square foot sign. So that has implications as well. Our experience has been that the 32 square foot ground sign, one per corner lot, has worked pretty well for schools, churches, offices, and in terms of making the community attractive in terms of avoiding sign clutter and some of the other visual things. But we're certainly open to looking at the big lot situation. I look at the campuses like St. Mary's Grade School, St. Mary's Church, Sacred Heart, that's one big zoning lot, and they probably have a need for more than one ground sign and there's two ways to deal with that. One is to say if you have a situation like that which is unique, you can go apply for a variance or exception, or you can try to write it into the ordinance that says lots with so many feet of street frontage should be able to have more than one sign.

Mrs. Yarnevich stated on that one picture you showed I didn't think two signs would be necessary, was is it an insurance company?

Mr. Andrew stated we thought there were locations there that were consistent with all that's around it, that you could pick a spot just like the Jeff Wells sign, you could pick a spot that might not be ideal but that would be visible. When you're on a corner you do try to capture both directions, but in most cases you'll see the people who are on a corner on Ohio want their sign along Ohio. That's where they want people to find them.

Mr. Mikesell asked those are both single sided, correct Dean?

Mr. Andrew stated yes they are single-sided signs. I mean from our standpoint, the square footage is just measured on what you see at the front. I think they are 3 ft. x 9 ft. signs.

Mr. Mikesell stated to answer Margaret's question a little better, conventional wisdom has always been on a corner lot if you are limited by a number you put the sign at a 45 degree angle to one of the major streets, and that way you can usually capture three directions, but certainly the aspect of looking at the major traffic flow, which ever street is the biggest and trying to play to that audience has been the conventional approach.

Mrs. Yarnevich stated I would hate to see twice the signs go up around town.

Mr. Simpson stated yes I would agree. I think it would obviously be easier from your standpoint and everybody else's standpoint just to have one sign, and then if you needed, in a particular situation, you apply a variance.

Mr. Andrew stated well that would be the simplest thing to do if that was your direction and you wanted to make that as a recommendation, that's essentially the amendment that we would propose is just to strike the language.

Mrs. Yarnevich stated the only trouble with the variance thing, that you would apply for a variance, is that you might be inundated by hundreds of businesses applying for variances. If you did the lot frontage you might be able to eliminate some of that.

Mr. Andrew stated and I think that would be a measure, but again, from our experience nobody has ever applied for one in 20 years so that's not being inundated. The other thing, the Board of Zoning Appeals is very cautious about doing sign variances anyway, because they try to live by the equal playing field rule, and so as long as the rules are equal for all business and property owners, everybody can abide by that. Once you start making variances and don't have very good reasons for the variances, then you are inviting that and they've been very cautious about that.

Mrs. Yarnevich stated well that's what I meant about making a particular criteria for being allowed to apply.

Mr. Andrew stated having one sign per lot is very easy to apply I can say that.

Mrs. Soderberg stated but if you had a minimum, I don't know maybe staff feels that's not a problem for variances, but if you said any property over whatever square feet it might be, may apply for a variance, I don't know, would that be helpful or do you even see that as an issue?

Mr. Andrew stated I think we would cross that bridge when we had a case. Once a variance was approved based on the frontage of the lot, that's going to kind of set the benchmark there. This is the first time it has ever come up, of somebody on a corner saying, "I think I should be able to have two signs."

Mr. Funk asked but this is only in C-1 restricted business?

Mr. Andrew stated C-1 and residential. Our other districts do not limit the physical number of signs. You get a maximum square footage and then you can allocate that among signs.

Mr. Funk asked and you can have a low sign and a high sign and all that kind of stuff?

Mr. Andrew stated yes.

Mrs. Soderberg asked if we do have a new ordinance then, this would stay as it is?

Mr. Andrew stated well what it would do is make the ordinance consistent with what we have been doing in practice.

Mrs. Soderberg asked but this particular property would be the only one that would have two signs?

Mr. Andrew stated the signs were approved under the language that's in the ordinance today, so their signs are protected.

Mr. Simpson stated unless there's a fire.

Mr. Simpson asked do you have a sense Dean what we're recommending?

Mr. Andrew stated yes, if the Commission's consensus is that the one sign per zoning lot should be the rule for those situations, we will take that as recommending that the language about allowing the number of signs that you have street frontages in section (h), we will just strike that.

Mr. Simpson stated okay, other matters?

Item #6. Other matters.

Mr. Andrew stated that's what we have for you this afternoon. On the 20th, I think Claire had emailed out just this afternoon the upcoming meeting schedule, I think the main thing is we will try to have all the answers for you on the third floor bar downtown. The other item of interest, there is an old nursing home that's been abandoned east of South Ohio in the Shalimar Plaza Addition. It's pretty hard to find, you really have to get in there to find it. It's on Lambertson Lane and the only way to get there is off Shalimar east of Ohio. If you know where Great Plains Credit Union is, or Dr. LaPierre's office, in behind there. There is a proposal to rezone that for multi-family apartments. That will be on your agenda as well as the third floor bar question. Then we're going to give you the Fourth of July off, we're not going to have a meeting that day.

There being no further business the meeting adjourned at 5:35 p.m.

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June 6, 2006
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Dean Andrew, Secretary

ATTEST: _____